

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2164 OF 2025

Dilip Jagdish Sharma	]	
Age : 53 years,	]	
R/A : Mataji Niwas, Ganesh Colony,	]	
Jyotiba Nagar, Near Marathi School,	]	
Kalewadi – 411 017.	]	... Petitioner

V/s.

- | | | | |
|----|---|---|-----------------|
| 1. | The State of Maharashtra |] | |
| | At the instance of Sangavi Police Station |] | |
| | Vide CR No. 572 of 2018 |] | |
| 2. | Vijay Kumar Gopichand Ramchandani |] | |
| | Age : 57 years, Indian Inhabitant, |] | |
| | R/A : Flat No. 704, Hi-face Society, |] | |
| | Pimple Saudagar – 411 027. |] | ... Respondents |

Ms. Sana Raees Khan a/w. Ms. Neha Balani i/b. SRK Legal for Petitioner.
 Mr. Ashish I. Satpute, A.P.P. for Respondent No.1-State.
 Mr. Sumit Sharma h/f. Mr. Mihir Bhujbal for Respondent No.2.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 1st July 2025.

JUDGMENT (Per : A.S. GADKARI, J.) :-

- 1) By this Petition under Article 226 of the Constitution of India,
 the Petitioner, sole accused in CR No. 0572 of 2018, dated 28th November

2018, registered with Sangavi Police Station, Pimpri-Chinchwad, for the offences punishable under Sections 406, 420 of the Indian Penal Code, is seeking quashing of the said crime, with the consent of Respondent No.2, the informant.

2) Heard Ms. Sana Khan, learned Advocate for Petitioner, Mr. Ashish Satpute, learned A.P.P for Respondent No.1 and Mr. Sumit Sharma, learned Advocate for Respondent No.2. Perused entire record produced before us.

3) Ms. Sana Khan, learned Advocate appearing for Petitioner submitted that, the Petitioner and Respondent No.2 have now resolved their disputes and the Petitioner has returned the entire amount, as alleged to have been defalcated in the F.I.R., to the Respondent No.2. That, the Respondent No.2 has now given his consent for quashing of the crime in question. She therefore prayed that, the said crime may be quashed, with the consent of Respondent No.2.

4) Mr. Sumit Sharma, learned Advocate for Respondent No.2 submitted that, the Respondent No.2 has already filed on record, an Affidavit dated 25th March 2025, duly affirmed before a Notary Public. It is stated therein that, the Petitioner and Respondent No.2 have cordially resolved all their dispute and have reached to an amicable settlement. That, nothing is left further between the Petitioner and Respondent No.2 and therefore he wishes to withdraw present case instituted against the Petitioner. In para

No.9 of the said Affidavit, the Respondent No.2 has reiterated and confirmed the contents of his Affidavit.

4.1) Respondent No.2 is not personally present in the Court. However, Advocate Mr. Sumit Sharma submitted that, the Respondent No.2 has instructed him to admit on his behalf, the contents of his Affidavit dated 25th March 2025 and give his no objection for quashing of the crime in question.

5) In view thereof, we are inclined to quash CR No. 0572 of 2018, dated 28th November 2018, registered with Sangavi Police Station, Pimpri-Chinchwad, for the offences punishable under Sections 406, 420 of the Indian Penal Code.

6) As we expressed our opinion for quashing of CR No. 0572 of 2018, dated 28th November 2018, registered with Sangavi Police Station, Pimpri-Chinchwad, Ms. Sana Khan, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.1,00,000/- to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.1) As the Respondent No.2 is successful in recovering the entire alleged defalcated amount by lodging the present crime and setting the criminal law into motion, Mr. Sumit Sharma, learned Advocate for

Respondent No.2 on instructions submitted that, the Respondent No.2 will also pay a cost of Rs.2,00,000/- to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.2) We therefore direct the Petitioner and Respondent No.2 to pay a cost of Rs.1,00,000/- and Rs.2,00,000/- respectively, to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay.

6.3) Details of the bank Account for payment of cost are as under:-

Account Name	:	BCMG'S Advocate Academy & Research Center
Bank and Branch	:	Bank of India, Mumbai Main
Account Number	:	000120110001327
Type of Account	:	Current A/c
IFSC Code	:	BKID0000001

6.4) Petitioner and Respondent No.2 to pay the aforesaid cost of Rs.1,00,000/- and Rs.2,00,000/- respectively, within stipulated period as noted above and submit its receipt(s) in the Registry of this Court.

7) In view of above and subject to payment of aforestated cost by both, i.e. the Petitioner and Respondent No.2 within the said stipulated period, Petition is allowed in terms of prayer clause (a).

8) It is made clear that, if either Petitioner and/or Respondent No.2 fails to pay aforenoted cost within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the Investigating Agency will complete the investigation of the present crime expeditiously.

9) List the Petition on board on 1st August 2025, under the caption 'For Reporting Compliance' of Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)

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